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8 **UNITED STATES DISTRICT COURT**  
9 **WESTERN DISTRICT OF WASHINGTON**  
10 **AT SEATTLE**

11 BUNGIE, INC., a Delaware corporation,

12 Plaintiff,

13 v.

14 MIHAI CLAUDIU-FLORENTIN, an  
15 individual, d/b/a VETERANCHEATS.COM;  
16 DOE 1 a/k/a BLAZE, an individual; DOE 2,  
17 a/k/a KNORR, an individual; DOE 3 a/k/a  
18 JOHN MCBERG, an individual, and DOES  
4-10,

Defendants.

No. C21-1114-SKV

**ORDER GRANTING MOTION TO SEAL  
MOTION FOR DEFAULT AND  
SUPPORTING DECLARATIONS**

**~~[PROPOSED]~~**

19 This matter having come before the Court upon Plaintiff Bungie, Inc.'s Motion to  
20 Seal pertaining to its Motion for Default Judgment against Defendant Mihai Claudiu-  
21 Florentin ("Claudiu-Florentin"), including: (1) portions of the Declaration of James  
22 Barker in Support of the Motion for Default Judgment (the "Barker Declaration"),  
23 (2) Exhibit 5 to the Barker Declaration in its entirety, (3) Exhibits 3 and 7 to the  
24 Declaration Christopher Varas in Support of the Motion for Default Judgment in their  
25 entirety, and (4) those portions of the Motion for Default (the "Brief") that reference the  
26 sealed portions of the Barker and Varas Declarations or exhibits thereto. Having  
reviewed the relevant record, the Court GRANTS the motion.

ORDER GRANTING PLAINTIFF'S MOTION TO  
SEAL - 1 -  
NO. C21-1114-SKV

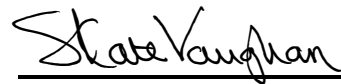
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1 When considering whether to seal portions of the Court’s record, a “strong  
 2 presumption in favor of access is the starting point.” *Kamakana v. City & Cty. of*  
 3 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Any records related to motions that are  
 4 more than tangentially related to the merits of the underlying action are subject to the  
 5 “compelling reasons” standard. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d  
 6 1092, 1099 (9th Cir. 2016). In determining whether there are compelling reasons to seal,  
 7 “courts should consider all relevant factors, including: ‘the public interest in  
 8 understanding the judicial process and whether disclosure of the material could result in  
 9 improper use of the material for scandalous or libelous purposes or infringement upon  
 10 trade secrets.’” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d at 1135 (quoting  
 11 *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995)).

12 Compelling reasons may exist to seal “trade secrets, marketing strategies, product  
 13 development plans, detailed product-specific financial information, customer  
 14 information, internal reports and other such materials that could harm a party's  
 15 competitive standing.” *In re Apple Inc. Device Performance Litig.*, No. 5:18-MD-02827-  
 16 EJD, 2019 WL 1767158, at \*2 (N.D. Cal. Apr. 22, 2019). Courts in the Ninth Circuit  
 17 (and this District in particular) have recognized that information describing the internal  
 18 and confidential information about the operations of computer hardware and software  
 19 that is meant to limit access to the hardware’s or software’s operations, and information  
 20 on how to circumvent it, generally meets the “compelling reasons” standard and should  
 21 be sealed, because revealing that information would allow competitors to obtain  
 22 commercial advantages or allow unscrupulous hackers to circumvent the publisher’s  
 23 technological security measures. *E.g., Philips North America, LLC v. Summit Imaging,*  
 24 *Inc.*, Case No. C19-1745-JLR, 2021 WL 1895836, \* 2 (W.D. Wash. 2021); *Genuine*  
 25 *Enabling Tech., LLC v. Nintendo Co., Ltd.*, Case No. C19-000351-RSM, 2020 WL  
 26 4366181, at \*1 (W.D. Wash. July 30, 2020); *In re Google Inc. Gmail Litig.*, No. 13-MD-  
 02430-LHK, 2013 WL 5366993, at \*3 (N.D. Cal. Sept. 25, 2013).

1 The portions of the Brief and Declarations, and exhibits thereto, that Bungie seeks  
 2 to seal or redact reveal confidential documents produced through third-party discovery,  
 3 and technical details of how the program operates. Revealing such information in a  
 4 public filing not only would allow competitors insight into Bungie's security measures,  
 5 but could also allow new cheat software developers to replicate the Cheats and would  
 6 violate third-party confidential designations. These are sufficiently compelling reasons to  
 7 keep the referenced material under seal. Bungie has publicly filed redacted copies of the  
 8 materials wherever possible, which is sufficient to meet the public's interest in knowing  
 9 the non-confidential details of these proceedings.

10 DATED this 7th day of February, 2023.

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 13 S. KATE VAUGHAN  
 14 United States Magistrate Judge

14 Presented by:

15 **KILPATRICK TOWNSEND & STOCKTON**  
 16 **LLP**

17 s/ Christopher T. Varas

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